

REMARKS

Applicants and Applicants' attorney express appreciation to the Examiner for the time spent preparing the Office Action dated October 30, 2007. Reconsideration and allowance for the above-identified application are now respectfully requested. By this paper, claims 49 and 51-52 have been amended. Claims 1-4, 6-32, 35-38, and 40-62 are pending

Applicants note that the Office Action indicates that claim 5 is pending. However, claim 5 was previously withdrawn in the Response filed on August 17, 2007. Applicants respectfully request clarification regarding this matter.

Claim Amendments

Applicants note that the amendments herein to claims 49, 51, and 52 have not been made in response to any rejection or objection posed by the Examiner, but rather simply to refine the language of the claims. In particular, claim 49 is amended herein to recite "wherein the lever arm of the variable resistance system is coupled to the cable and pulley system." Claims 51 and 52 have been amended herein to provide the proper antecedent basis for the "lever arm length regulator" and the "lead screw." Specifically, claims 51 and 52 have been amended herein to recite "wherein the lever arm length regulator" and "wherein the lead screw," respectively, rather than "further comprising a lever arm length regulator" and "further comprising a lead screw." Applicants submit that no new matter has been introduced by the amendments made herein.

Obviousness-type Double Patenting Rejection

In the Office Action, claims 1-32, 35-38, and 40-62 were rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-50 of U.S. Patent No. 7,250,022 to Dalebout et al.

Submitted herewith is a terminal disclaimer disclaiming relating to U.S. Patent No. 7,250,022, issued July 31, 2007, as set forth in the terminal disclaimer.

Accordingly, Applicant hereby requests reconsideration and removal of the rejection to claims 1-32, 35-38, and 40-62 on the grounds of nonstatutory obviousness-type double patenting in view of U.S. Patent No. 7,250,022.

CONCLUSION

It is respectfully submitted that the rejections of claims 1-4, 6-32, 35-38, and 40-62, as amended and presented herein, have been overcome and should now be withdrawn. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 22nd day of January, 2008.

Respectfully submitted,

/J. Dustin Howell/ Reg. #60701
J. DUSTIN HOWELL

Attorney for Applicant
Registration No. 60.701
Customer No. 022913

JDH
DH0000000477V001